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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/646,626	08/22/2003	John Regier	12929.1088USU1	8464
7590 11/14/2005				
Merchant & Gould P.C. P.O. Box 2903 Minneapolis, MN 55402-0903		EXAMINER SLACK, NAKO N		
		ART UNIT 3635 PAPER NUMBER		

DATE MAILED: 11/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/646,626	Applicant(s) REGIER, JOHN	
	Examiner Naoko Slack	Art Unit 3635	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 10-16 is/are allowed.
- 6) ☒ Claim(s) 1-9 and 17 is/are rejected.
- 7) ☒ Claim(s) 18-20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>8/25/03</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-9, 17 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by US Patent 6,138,968 to Svantesson et al.

Claim 1:

Svantesson et al. discloses a mounting assembly, comprising a main body (22, 23, and 24 , Figure 3) defining a space, a plunger (7, Figure 3) disposed within the space and configured to move within the space, and a biasing member (37) coupled to and biasing the plunger.

Claim 2:

The main body includes first (23) and second (24) portions that define the space therebetween.

Claim 3:

The plunger is pinioned in the space formed by the main body (Figure 3)

Claim 4:

Svantesson et al. discloses a strip (8, Figure 6) configured to be mounted on a wall (of structure 1, Figure 6), wherein an outer end of the plunger (7) is configured to engage the strip (8).

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Claim 5:

The main body, plunger (7), and biasing member (37) define a first mounting device (20, Figure 2), and wherein the mounting assembly further comprises a second mounting device (21, Figure 2)

Claim 6:

The biasing member is a spring (37).

Claim 7:

The spring is positioned between the plunger and a stop member (as best illustrated at the lower portion of Figure 3).

Claim 8:

The plunger defines a cavity (31) sized to receive a portion of the biasing member (screw 32).

Claim 9:

The plunger is configured to move in a substantially vertical direction (17, Figure 1).

Claim 17:

Svantesson et al. discloses a method for mounting an object to a wall of a structure, the method comprising providing a mounting device coupled to the object, the mounting device including a main body (20) defining a space, a plunger (7) disposed within the space and configured to move within the space, and a biasing member (37) coupled to and biasing the plunger; mounting a strip (8) on the wall of the structure; and positioning the object against the wall so that the plunger engages the strip.

Allowable Subject Matter

Claims 10-16 are allowed.

Claims 18-20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

References Cited of Interest

US Patent 5,119,603 to Jones discloses a typical fireplace surround mounted on a strip.

US Patent 5, 878,987 to Hayde discloses an adjustable mounting system comprising a channel bracket housing a movable plunger.

US Patent 4,712,761 to Wassell discloses a wall hanging strips.

The following patents disclose spring mounted brackets:

US Patent 2,943,831 to Goss,

US Patent 3,550,894 to Kaplan,

US Patent 6,659,418 to Lemire,

US Patent 5,375,802 to Branham, II,

US Patent 4,679,368 to Pettinga et al.,

US Patent 6,832,446 to Lemire,

US Patent 6,663,075 to Zuller.

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Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Naoko Slack whose current telephone number is 571-272-6848. The examiner can normally be reached on Mon-Fri (6:00 am-2:30pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl D. Friedman can be reached on 571-272-6842. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Naoko Slack
Primary Examiner
Art Unit 3635

NS

November 4, 2005